

BILL NO. 2006-79

ORDINANCE NO. 5885

AN ORDINANCE TO ALLOW SMALL WIND ENERGY SYSTEMS AS A CONDITIONAL USE IN THE R-A, R-E AND R-D ZONING DISTRICTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Allows small wind energy systems as a conditional use in the R-A, R-E and R-D Zoning Districts.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to allow the use "Small Wind Energy System" as a conditional use in the R-A, R-E and R-D Zoning Districts. In order to reflect the amendment, a new use category shall be added to the "Utilities, Communication & Transportation" Element of the Land Use Tables, to read as follows:

RESIDENTIAL												USE
U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	UTILITIES, COMMUNICATION & TRANSPORTATION
	C	C	C									Small Wind Energy System
Description:												
A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended primarily to reduce on-site consumption of utility power. The use is not to be deemed an accessory structure.												
Conditional Use Regulations:												
1. The minimum parcel size shall be two acres (net).												
2. No small wind energy system is eligible for approval if all or part of the property is within a conservation easement or scenic highway corridor, or is listed on the State or National Registers of Historic Places, unless the applicant submits satisfactory evidence that the addition of a small wind energy system is not a violation of the rules that govern the development of the property.												
3. The tower height (meaning the height above grade of the fixed portion of the tower, excluding the wind turbine itself) may not exceed the lesser of the following:												
a. The maximum height recommended by the manufacturer or distributor of the system, as demonstrated by evidence included with the application; or												
b. A height of 90 feet for a qualifying parcel less than 2 net acres in size, or a height of 110 feet on a parcel of 5 net acres or more in size.												
4. In the R-D Zoning District, the entire system must be set back at least 30 feet from the front property line and at least 10 feet from the side and rear property lines. In the R-A and R-E Zoning Districts, the entire system must be set back at least 50 feet from the front and side property lines, and at least 10 feet from the rear property line.												
5. No part of a system, including guy wire anchors, may be closer to any residential building or outbuilding than the sum of the following distances: the length of the tower, plus half the length of the blade diameter, plus an additional 10 feet.												
6. A system shall not exceed 60dBA, as measured by a sound level meter at the closest neighboring inhabited dwelling. However, this level may be exceeded during short term events such as utility outages or severe windstorms.												
7. The applicant must submit proof of turbine certification approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.												

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1 8. A system must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. For locations within the
2 Airport Overlay District, the system must comply with all regulations and requirements applicable to that district.

3 9. A system must comply with all applicable fire codes and building codes.

4 10. A building permit application for a system must be accompanied by:

5 a. Standard drawings of the wind turbine structure including base, tower and footings;

6 b. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional
7 engineer; and

8 c. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the
9 National Electrical Code.

10 11. Before the installation of a system, the applicant must provide satisfactory evidence that the electrical utility provider has been informed of the
11 applicant's intent to install a system. An off-grid system shall be exempt from this requirement if the property is not served by an electrical utility provider.

12 12. No system shall be erected or moved onto any lot prior to construction of the main building unless a building permit has been issued for the
13 construction of the main building.

14 13. The Special Use Permit provisions of Section 19.04.040(B) do not apply to this use.

15 **On-site Parking Requirement:** No additional parking required beyond that which is required for the principal use on the site.

16
17 SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section
18 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
19 amending the description of the use "Utility Installation, Other than Listed" in the "Utilities,
20 Communications & Transportation Element" of Table 2 to read as follows:

21 **Description:**

22 A facility or area used as (or for) a utility installation not specifically listed in this Title. This use does
23 not include any type of wind energy conversion system.

24 SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to add thereto the following term, along with
26 its corresponding definition:

27 "Small Wind Energy System" means a wind energy conversion system consisting of a wind turbine,
28 a tower and associated control or conversion electronics, which has a rated capacity of not more than
100kW and which is intended to primarily reduce on-site consumption of utility power. For purposes
of this Title, the use shall not be deemed an accessory structure.

SECTION 4: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term "Utility
Installation, Other than Listed" to read as follows:

"Utility Installation, Other than Listed" means a facility or area [for] used as (or for) a utility
installation not specifically listed in this Title. The term does not include any type of wind energy

1 conversion system.

2 SECTION 5: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
3 and 19.20.020 are deemed to be subchapters rather than sections.

4 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
5 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
6 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
7 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
8 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
9 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
10 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
11 invalid or ineffective.

12 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
13 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
14 1983 Edition, in conflict herewith are hereby repealed.

15 PASSED, ADOPTED and APPROVED this 17TH day of January, 2007.

16 APPROVED:

17
18 By 
19 OSCAR B. GOODMAN, Mayor

20 ATTEST:

21 
22 BARBARA JO RONEMUS, City Clerk

23 APPROVED AS TO FORM:

24 Val Steed 12-7-06
25 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 20th day of December, 2006 and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 17th day of
4 January, 2007 which was a regular meeting of said Council; that at said regular meeting,
5 the proposed ordinance was read by title to the City Council as amended and adopted by
6 the following vote:

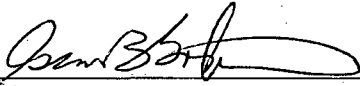
7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, Weekly,
8 Wolfson, Tarkanian and Ross

9 VOTING "NAY": NONE

10 EXCUSED: NONE

11 ABSTAINED: NONE

12 APPROVED:

13 
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 
17 BARBARA JO RONEMUS, City Clerk

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK

2296311LV

1283673

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/05/2007 to 01/05/2007, on the following days:

01/05/2007

RECEIVED
CITY CLERK

2007 FEB -5 P 2:11

BILL NO. 2006-79

AN ORDINANCE TO ALLOW SMALL WIND ENERGY SYSTEMS AS A CONDITIONAL USE IN THE R-A, R-E AND R-D ZONING DISTRICTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Councilman Steven D. Ross

Summary: Allows small wind energy systems as a conditional use in the R-A, R-E and R-D Zoning Districts.

At the City Council meeting of DECEMBER 20, 2006 BILL NO. 2006-79 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

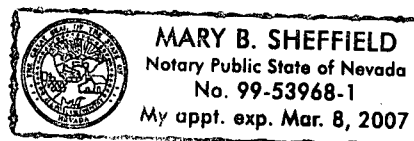
PUB: January 5, 2007
LV Review-Journal

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

12 day of January, 2007.

Mary B. Sheffield
Notary Public



AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK

2296311LV

1373325

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/20/2007 to 01/20/2007, on the following days:

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Sponsored by: Councilman Steven D. Ross
Summary: - Allows small wind energy systems as a conditional use in the R-A, R-E and R-D Zoning Districts.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 20th day of December 2006 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 17th day of January 2007, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, Weekly, Wolfson, Tarkanian, and Ross
VOTING "NAY": NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: January 20, 2007
LV Review-Journal

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

24 day of January, 2007.

Mary B. Sheffield

Notary Public

